In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.7037/06
Vishnudutt Vs. State of Rajasthan

Date Of Order :: 29th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Mohammed Aslam on behalf of
Mr. Rajesh Goswami, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioner, learned Public Prosecutor for the State and perused the material produced during the course of arguments.

Learned counsel for accused petitioner contended that the accused petitioner could not appear before the trial court because of his illness on 28/2/2006 and application for exemption from his personal attendance was filed but the same was dismissed by the trial court and warrant of arrest was issued against the accused petitioner. It is also submitted that his absence was not deliberate.

Learned Public Prosecutor opposed the bail application and contended that the accused petitioner can appear before the trial court and

file an application under section 437 of the Code of Criminal Procedure.

Without making any observation on merits, having considered the rival submissions made at the bar, also keeping in view that criminal case is pending before the trial court and on account of his absence the trial court forfeited the bail bonds and warrant of arrest was issued, though application for exemption from personal attendance was moved by his counsel and also considering the entire facts and circumstances, I deem it proper to direct the accused petitioner to surrender before the trial court. In case he surrenders before the trial court on or before 8/12/2006 before 11'o clock and moves an application for grant of bail, the trial court is directed to consider and dispose of the bail application on the same day in accordance to law. Till then warrant of arrest issued against the accused petitioner shall not be executed.

The bail application stands disposed of accordingly.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.